

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries & Accounts Department – Sri L.Seshagiri Rao, Retired Accounts Officer, O/o Commissioner, Disabled Welfare, A.P., Hyderabad – Implementation of APAT orders dated 26-03-2009 in O.A.No.9118/2008 - Sanction of full Pension and CVP – Orders – Issued.

FINANCE (ADMN.I.VIG) DEPARTMENT

G.O.Rt.No. 2472

Dated: 20 -05-2009.

Read the following:-

1. APAT. Orders dt: 10-11-08 in O.A.No.9118 of 2008 filed by Sri L.Seshagiri Rao, Accounts Officer (Retd.).
2. DTA Lr.No.D1/8946/2005,dated 20-12-2008.
3. Govt.Memo.No.33780/500/A2/Admn.I/2008, dated 31-01-2009.
4. Addl. DGP, CID, A.P, Hyderabad, Lr.No.5753/C17/CID/1994,dt:19-02-09.
5. G.O.Rt.No.1941, Finance (Admn.I) Department, dated 09-04-2009.
6. A.P.A.T. Orders dt. 26-03-2009 in O.A.No.9118 of 2008 filed by Sri L.Seshagiri Rao, Accounts Officer (Retd.).
7. DTA Lr.No.D1/8946/2005, dated 22-04-2009.
8. Govt.Memo.No.33780/500/A2/Admn.I/2008, dated 27-04-2009.
9. DTA Lr.No. D1/8946/2005, dated 02-05-2009.
10. APAT notice in C.A.No.257/2009 in O.A.No.9118/2008, dated 06-05-2009.
11. DTA Lr.No.D1/8946/2005, dated 15-05-2009

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ORDER:

Sri L.Seshagiri Rao, Accounts Officer (Retd) was involved in a case of excess release of budget to various Social Welfare Hostels in Warangal District during the year 1993-94 while he was working as AAO, O/o the Deputy Director, Social Welfare, Warangal while led to misappropriation funds in a large scale. Simultaneously, departmental proceedings and criminal proceedings were initiated against him and others. Government have imposed a punishment of stoppage one annual grade increment without cumulative effect, vide G.O.Rt.No.1171, Finance and Planning (FW.Admn.I) Department, dated 29-05-2009 against him. The CID has investigated the case. In the criminal proceedings, the CID have filed charge sheets against him in CC.No.751/1999 and 7/2001 in the Court of 1st Addl. Judicial Magistrate of First Class, Warangal and C.C.No.802/2004 in the Court of Addl. J.M.F.C., Warangal.

2. Sri L.Seshagiri Rao, Accounts Officer (Retd) has filed O.A.No.9118 of 2008 for payment of pensionary benefits i.e. gratuity, commutation value of pension (CVP) and also final pension. The Hon'ble APAT in their order dated 24-11-2008 granted the following **Interim Relief:**

“The respondents are directed to Pay Gratuity, GPF, Encashment of Earned Leave and provisional pension to the applicant within 15 days, as no criminal cases or disciplinary cases are pending and it is only stated that revisions are pending in the High Court”

3. In the reference 2nd read above, the DTA has informed that Sri L.Seshagiri Rao, Accounts Officer (Retd) **has been sanctioned provisional pension at the rate of 75% of his entitled superannuation pension from the date of his superannuation and the following** retiral benefits were also paid to him.

- 1) Family Benefit Fund for an amount of Rs.12,891/- vide Pro.No.SVII/4337/2005,Dt:17-08-2005 of Commissioner of Disabled Welfare, Hyderabad.
- 2) Group Insurance Scheme for an amount of Rs.26,752/- Vide Pro.No.SVII/4337/2005,dt:17-11-2005 of Commissioner of Disabled Welfare, Hyderabad.
- 3) GPF Final withdrawal for an amount of Rs.3,35,125/- vide Cheque No.193034, dated: 02-09-2005.
- 4) Encashment of Earned Leave for (240) days vide DTA office Pro.No.D1/8946/2005-7, dt: 03-07-2007.

The DTA has requested to issue necessary orders for payment of Gratuity to Sri L.Seshagiri Rao, Accounts Officer (Retd.), in view of interim orders of Hon'ble A.P. Administrative Tribunal.

4. The Additional Director General of Police, CID, AP, Hyderabad, in his letter 4th read above has informed that charge sheets were filed in the following (3) cases against **Sri L.Seshagiri Rao, Accounts Officer (Retd).**

(1) Cr.No.106/1995 U/s 409,420,167 R/w 120(B) IPC of Duggondi P.S., Warangal District:

In this case Sri L.Seshagiri Rao was discharged on 07-09-2000 in CC.No.751/99,vide Crl.Rp.No.33/2000 and Crl.Rt.no.149/2000 by the IIIrd Addl. Sessions Judge Court, Warangal. A revision petition was filed in the High Court of Andhra Pradesh, Hyderabad on 28-06-2004 vide Crl.MP.No.5138/2001 in Crl.Rc.No.Sr.No.8187/2001 and the case was admitted vide Crl.Rc.No.844/2007 and it is pending.

(2) Cr.No.106/1995 U/s 409, 420, 167 R/w 120(B) IPC of Duggondi P.S of Warangal District:

In this case Sri L.Seshagiri Rao was discharged on 30-04-2004 in C.C.No.7/2001 vide Crl.Rp.No.12/204,Crl.MP.No.5013/2002 by the IIIrd Additional Sessions Judge Court, Warangal. Aggrieved by the order of the IIIrd Additional Sessions Judge Court, Warangal, a revision petition was filed in the High Court of Andhra Pradesh, Hyderabad on 10-02-2005 the petition was allowed vide Crl.MP.No.3077/2007 in Crl.Rc.Sr.No.13579/2004 and it is in admission stage.

(3) Cr.No.4/1995 U/s 406,409,420,468,471,477 (A) and 120(B) IPC of CID P.S., Hyderabad:

In this case Sri L.Seshagiri Rao was discharged on 21-05-2007 in C.C.No.802/2004 vide Crl.Mp.No.52/2006 by the District and Sessions Judge, Warangal. A revision petition was filed in the High Court.

The Addl. DGP, CID, further informed that in remaining 30 cases are **under Investigation.**

5. Government, after careful consideration of the matter implemented the orders of Hon'ble A.P. Administrative Tribunal, dated 10-11-2008 and issued orders for release of the Gratuity payable to Sri L.Seshagiri Rao, Accounts Officer (Retd.), without prejudice to the criminal proceedings pending against him vide G.O. 5th read above. The Gratuity was paid to him on 4-5-2009.

6. The Hon'ble APAT allowed the O.A. filed by Sri L.Seshagiri Rao, Accounts Officer and pronounced final orders on 26-03-2009 directing the respondents to release the pension and other retrial benefits to the applicant. The Hon'ble APAT in its orders observed that **"the applicant has been discharged from the criminal cases pending against him, and there is no disciplinary proceedings pending and pendency of final revision cannot be treated as continuation of judicial proceedings as contemplated in A.P. Revised Pension Rules, as held by the Tribunal as extracted, supra. In view of the above, the O.A is allowed by directing the respondents to release the pension and other retrial benefits to the Applicants forthwith. VMA stands dismissed. In view of C.A being against the interim direction, C.A is closed as it is always left open to the Applicant to file a petition against the final orders, if the respondents do not comply with the orders"**.

7. Government after careful examination of the above orders of Hon'ble APAT dated 26-3-2009 in O.A.No.9118/2008 filed a W.P. before Hon'ble A.P. High Court and it is pending for hearing. In the mean while, the applicant Sri L.Seshagiri Rao has filed C.A.No.257/09 in O.A.No.9118/2008 for non-implementing the orders of Hon'ble APAT in O.A.No.9118/2008 dated 26-03-2009.

8. Government after careful examination of the matter and keeping in view of the above circumstances decided to implement the orders of Hon'ble APAT in O.A.No.9118/2008 dated 26-03-2009 and accordingly hereby order to release full pension and CVP to Sri L.Seshagiri Rao, Accounts Officer (Retd.), without prejudice to the criminal proceedings pending against him and subject to the out come of the W.P. filed in A.P. High Court against the orders of APAT, to avoid contempt of court.

9. The Director of Treasuries and Accounts shall take necessary further action and report compliance to the Hon'ble A.P. Administrative Tribunal immediately under intimation to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)**

To
Sri L.Seshagiri Rao, Accounts Officer (Retd.) through the Director of Treasuries and Accounts, A.P, Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
The Joint Director, Pension Payment Office, Hyderabad.
Copy to the Govt. Pleader for Finance, A.P.A.T., Hyderabad for information.
SF/SC

//FORWARDED::BY ORDER//

SECTIONOFFICER